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September 16, 2005

VIA HAND DELIVERY

The Honorable Charles L.A. Terreni
Executive Director
South Carolina Public Service Commission
Post Office drawer 11649
Columbia, SC 29211

RE: Application of Ashley Oaks Water System, Inc. for Adjustments in Rates
and Charges for Water Charges
Docket No.: **2005-235-W**


Dear Mr. Terreni:

Enclosed are the original and ten (10) copies of the **Motion to Allow Applicant to Withdraw Application without Prejudice** in the above-referenced docket.

Please acknowledge your receipt of this document by file-stamping the copy of this letter enclosed, and returning it with the bearer of these documents. By copy of this letter, I am serving all parties of record and enclose my certificate of service to that effect.

With kind regards,

Sincerely, .


Lyn F. Richards, CPA

Cc: Mr. Michael D. Shelley, Sr.
All parties of record

Enclosures

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COMMISSION

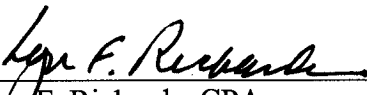
BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-235-W

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COMMISSION

IN RE:)
)
)
Application of Ashley Oaks)
Water System, Inc. for Adjustments) **CERTIFICATE OF SERVICE**
In Rates and Charges for Water)
Charges)
)
)

This is to certify that I have delivered one original and ten (10) copies of the **Motion to Allow Applicant to Withdraw Application Without Prejudice** by personally delivering said package to the physical address of the South Carolina Public Service Commission at:

101 Executive Center Drive
Columbia, SC 29210


Lyn F. Richards, CPA

September 16, 2005
Columbia, South Carolina

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-235-W

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COMMISSION

IN RE:)	
)	
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Application of Ashley Oaks)	
Water System, Inc. for Adjustments)	MOTION TO ALLOW APPLICANT TO
In Rates and Charges for Water)	WITHDRAW APPLICATION WITHOUT
Charges)	PREJUDICE
)	
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NOW COMES Ashley Oaks Water System, Inc. (AOWS) and, pursuant to the laws of The South Carolina Public Service Commission, (the "Commission"), hereby moves to withdraw its Application for Adjustments in Rates and Charges for Water Charges ("Application") without prejudice to its right to re-file for such relief at any time. In support of this Motion, AOWS shows as follows:

On August 9, 2005 AOWS filed its Application for Adjustments in Rates and Charges for water service. The Commission made its First Continuing Data Request of AOWS on August 22, 2005.

AOWS has a need to withdraw its Application so that it will have additional time to consider its various options with regard to water provision to its customers. Currently, AOWS is in the process of exploring purchasing water from either the Town of Winnsboro or the City of Columbia. It has come to the attention of AOWS that any such contracts must be entered into with the approval of the Commission, and that there are provisions of law that may facilitate the application process if such contracts are executed.

AOWS has an immediate need for rate relief that is driven by increased water

inspection costs, previously sustained operational deficits, and the impact of inflation on fees set thirteen years ago. Consequently, AOWS will need to re-file an Application as soon as facts and circumstances are known. AOWS will need to re-file its Application within the next three to six months.

The Commission has previously granted other similarly-situation utilities the relief AOWS is requesting herein. For example, in Docket No. 1991-641-W/S, Carolina Water Service, Inc. (“CWS”) moved to withdraw its application for Approval of New Schedule of Rates and Charges for Water and Sewer Service without prejudice to its right to re-file for rate relief at any time. CWS asserted that it wished to take additional time to evaluate the costs and benefits of several major projects, and to inform its customers as to those costs and benefits.

The Commission granted CWS motion in Order No. 1992-274 (attached) ruling that CWS was “not precluded by the previous filing of said Application and Rate Schedules from seeking rate relief as the Company deems appropriate, including the filing of an application for Approval of New Schedule of Rates and Charges for Water and Sewer Service before December 16, 1992” [which was 12 months after the date of the original filing]. Order No 921-274, p2-3.

§58-5-240(F) states:

After the date the schedule is filed with the Commission, no ***further rate change request*** under this section may be filed until twelve months have elapsed from the date of filing of the schedule [emphasis added].

This statutory provision is not inconsistent with the Commission’s ruling in Order No. 92-274, since it only prohibits the utility from requesting a ***further*** (that is, an additional) rate increase immediately on the heels of the last completed rate proceeding. As demonstrated by Order No. 92-274, the provision does not prohibit a utility from reapplying for rate relief within a twelve-month period if it has voluntarily withdrawn the previous application.

S.C. Code Ann., §58-5-225(E) further supports AOWS motion. That 2004 statute states in relevant part:

A party may withdraw its petition, [or] application...from any Commission docket one time as a matter of right, ***and***

without prejudice provided that it does so prior to ... the date that the withdrawing party's direct testimony addressing such petition, application...is due to be filed with the Commission [emphasis added].

In this case, AOWS direct testimony is not due to be filed until a later date. Thus §58-5-225(E) makes it clear that AOWS may now withdraw its application for rate relief "without prejudice," including any time constraints on the re-filing of its application.

For the reasons set forth herein, AOWS requests an order from the Commission ruling that:

1. AOWS may withdraw its present Application and rate schedules without prejudice;
2. AOWS is not precluded by its filing of the present Application Approval of New Schedule of Rates and Charges for Water and Sewer Service as AOWS deems appropriate, including the filing of an application for rate relief before August 6, 2006.
3. And for such other and further relief as the Commission deems proper.

Respectfully submitted,

LYN F. RICHARDS, CPA



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Representative for Ashley Oaks Water
System, Inc.

Columbia, SC
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